

SUBSTITUTE FOR
HOUSE BILL NO. 5387
(as amended May 5, 2016)

[A bill to amend 1947 PA 336, entitled

"An act to prohibit strikes by certain public employees; to provide review from disciplinary action with respect thereto; to provide for the mediation of grievances and the holding of elections; to declare and protect the rights and privileges of public employees; to require certain provisions in collective bargaining agreements; to prescribe means of enforcement and penalties for the violation of the provisions of this act; and to make appropriations,"

by amending sections 2a, 11, 13, and 15 (MCL 423.202a, 423.211, 423.213, and 423.215), section 2a as added by 1994 PA 112, and section 15 as amended by 2014 PA 414.]

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

[Sec. 2a. (1) **IF CONDITIONS CONSTITUTING A STRIKE BY 1 OR MORE PUBLIC SCHOOL EMPLOYEES EXIST, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL NOTIFY THE COMMISSION OF THE FULL OR PARTIAL DAYS A PUBLIC SCHOOL EMPLOYEE WAS ENGAGED IN THE STRIKE.**

(2) ~~(1)~~—If a public school employer alleges that there is a strike by 1 or more public school employees in violation of section 2, the public school employer shall notify the commission of the full or partial days a public school employee was engaged in the alleged strike. **IF THE PUBLIC SCHOOL EMPLOYER HAS NOT NOTIFIED THE COMMISSION OF AN ALLEGATION OF A STRIKE UNDER THIS SUBSECTION, A PARENT OF A CHILD WHO IS ENROLLED IN THE SCHOOL DISTRICT MAY NOTIFY THE COMMISSION OF THE FULL OR PARTIAL DAYS 1 OR MORE PUBLIC SCHOOL EMPLOYEES WERE ENGAGED IN AN ALLEGED STRIKE.**

(3) ~~(2)~~—If a bargaining representative alleges that there is a lockout by a public school employer in violation of section 2, the bargaining representative shall notify the commission of the full or partial days of the alleged lockout.

(4) ~~(3)~~ ~~Within 60~~ **NOT MORE THAN 2** days after receipt of a notice made pursuant to subsection (1), ~~or (2)~~, **OR (3)**, the commission shall conduct a hearing to determine if there has been a violation and shall

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issue its decision and order. **THE HEARING SHALL OFFER THE BARGAINING REPRESENTATIVE, THE PUBLIC SCHOOL EMPLOYER, THE SUPERINTENDENT OF PUBLIC INSTRUCTION, AN AFFECTED PUBLIC SCHOOL EMPLOYEE, AND A PARENT WHO NOTIFIED THE COMMISSION UNDER SUBSECTION (2) AN OPPORTUNITY TO PRESENT TESTIMONY OR OTHER EVIDENCE TO SUPPORT OR CONTEST THE ALLEGATION OF A STRIKE OR LOCKOUT.** A hearing conducted under this subsection is separate and distinct from, and is not subject to the procedures and timelines of, a proceeding conducted under section 6.

(5) ~~(4)~~—If, after a hearing under subsection ~~(3)~~, **(4)**, a majority of the commission finds that 1 or more public school employees engaged in a strike in violation of section 2, the commission shall fine each public school employee an amount equal to 1 day of pay for that public school employee for each full or partial day that he or she engaged in the strike. ~~and shall fine the bargaining representative of the public school employee or employees \$5,000.00 for each full or partial day the public school employee or employees engaged in the strike.~~

(6) ~~(5)~~—If, after a hearing under subsection ~~(3)~~, **(4)**, a majority of the commission finds that a public school employer instituted a lockout in violation of section 2, the commission shall fine the public school employer \$5,000.00 for each full or partial day of the lockout and shall fine each member of the public school employer's governing board \$250.00 for each full or partial day of the lockout.

(7) ~~(6)~~—If the commission imposes a fine against a public school employee under subsection ~~(4)~~ **(5)** and the public school employee continues to be employed by a public school employer, the commission shall order the public school employer to deduct the fine from the public school employee's annual salary. The public school employee's annual salary is the annual salary that is established in the applicable contract in effect at the time of the strike or, if no applicable contract is in effect at the time of the strike, in the applicable contract in effect at the time of the decision and order. However, if no applicable contract is in effect at either of those times, the public school employee's annual salary shall be considered to be the annual salary that applied or would have applied to the public school employee in the most recent applicable contract in effect before the strike. A public school employer shall comply promptly with an order under this subsection. A deduction under this subsection is not a demotion for the purposes of Act No. 4 of the Extra Session of 1937, being sections 38.71 to 38.191 of the Michigan Compiled Laws.1937 (EX SESS) PA 4, MCL 38.71 TO 38.191.

(8) ~~(7)~~—The commission shall transmit money received from fines imposed under this section, and a public school employer shall transmit money deducted pursuant to an order under subsection ~~(6)~~, **(7)**, to the state treasurer for deposit in the state school aid fund established under section 11 of article IX of the state constitution of 1963.

(9) ~~(8)~~—If the commission does not receive payment of a fine imposed under this section within 30 days after the imposition of the fine, or if a public school employer does not deduct a fine from a public school employee's pay pursuant to an order under subsection ~~(6)~~, **(7)**, the commission shall institute collection proceedings.

(10) ~~(9)~~—Fines imposed under this section are in addition to all other penalties prescribed by this act and by law.

(11) ~~(10)~~—A public school employer, **THE SUPERINTENDENT OF PUBLIC INSTRUCTION, OR THE ATTORNEY GENERAL** may bring an action to enjoin a strike by public school employees in violation of section 2, and a bargaining representative may bring an action to enjoin a lockout by a public school employer in violation of section 2, in the circuit court for the county in which the affected public school is located. **A-IF THE COMMISSION HAS MADE A DETERMINATION AFTER A HEARING UNDER SUBSECTION (4) THAT A STRIKE OR LOCKOUT EXISTS, THAT FINDING SHALL NOT BE OVERTURNED EXCEPT BY CLEAR AND CONVINCING EVIDENCE. IF THE** court having jurisdiction of an action brought under this subsection ~~shall grant injunctive relief if the court finds that a strike or lockout has occurred, without regard to the existence of other remedies, demonstration of irreparable harm, or other factors. Failure to comply with an order of the court may be~~

~~punished as contempt. In addition, the court shall award court costs and reasonable attorney fees to a plaintiff who prevails in an action brought under this subsection.~~ FINDS THAT CONDITIONS CONSTITUTING A STRIKE OR LOCKOUT IN VIOLATION OF SECTION 2 EXIST AND UNLESS CLEAR AND CONVINCING EVIDENCE HAS SHOWN THAT THE SANCTION WOULD NOT BE EQUITABLE OR THE SANCTION WOULD DUPLICATE A SANCTION IMPOSED BY THE COMMISSION FOR THE SAME ACTIVITY UNDER SUBSECTION (5) OR (6), THE COURT SHALL DO ALL OF THE FOLLOWING:

(A) FOR A STRIKE IN VIOLATION OF SECTION 2, ORDER EACH PUBLIC SCHOOL EMPLOYEE TO PAY A FINE IN AN AMOUNT EQUAL TO 1 DAY OF PAY FOR THAT PUBLIC SCHOOL EMPLOYEE FOR EACH FULL OR PARTIAL DAY THE PUBLIC SCHOOL EMPLOYEE ENGAGED IN THE STRIKE. FOR A LOCKOUT IN VIOLATION OF SECTION 2, ORDER THE PUBLIC SCHOOL EMPLOYER TO PAY A FINE OF \$5,000.00 FOR EACH FULL OR PARTIAL DAY OF THE LOCKOUT AND ORDER EACH MEMBER OF THE PUBLIC SCHOOL EMPLOYER'S GOVERNING BOARD TO PAY A FINE OF \$250.00 FOR EACH FULL OR PARTIAL DAY OF THE LOCKOUT.

(B) ORDER THE PUBLIC SCHOOL EMPLOYEES OR PUBLIC SCHOOL EMPLOYER ACTING IN VIOLATION OF SECTION 2 TO END THE STRIKE OR LOCKOUT.

(C) AWARD COSTS AND ATTORNEY FEES TO A PLAINTIFF WHO PREVAILS IN AN ACTION UNDER THIS SUBSECTION.

(D) GRANT ADDITIONAL EQUITABLE RELIEF THAT THE COURT FINDS APPROPRIATE.

(12) AN ORDER ISSUED UNDER SUBSECTION (11) IS ENFORCEABLE THROUGH THE COURT'S CONTEMPT POWER.

(13) ~~(11)~~—A public school employer shall not provide to a public school employee or to a board member any compensation or additional work assignment that is intended to reimburse the public school employee or board member for a monetary penalty imposed under this section or that is intended to allow the public school employee or board member to recover a monetary penalty imposed under this section.

(14) ~~(12)~~—As used in this section, "public school employee" means a person employed by a public school employer.

Sec. 6. (1) Notwithstanding the provisions of any other law, a public employee who, by concerted action with others and without the lawful approval of his or her superior, willfully absents himself or herself from his or her position, or abstains in whole or in part from the full, faithful and proper performance of his or her duties for the purpose of inducing, influencing or coercing a change in employment conditions, compensation, or the rights, privileges, or obligations of employment, or a public employee employed by a public school employer who engages in an action described in this subsection for the purpose of protesting or responding to an act alleged or determined to be an unfair labor practice committed by the public school employer, shall be considered to be on strike.

(2) Before a public employer may discipline or discharge a public employee for engaging in a strike, the public employee, upon request, is entitled to a determination under this section as to whether he or she violated this act. The request shall be filed in writing, with the officer or body having power to remove or discipline the employee, within 10 days after regular compensation of the employee has ceased or other discipline has been imposed. If a request is filed, the officer or body, within ~~10~~ 5 days after receipt of the request, shall commence a proceeding for the determination of whether the public employee has violated this act. The proceedings shall be held in accordance with the law and regulations appropriate to a proceeding to remove the public employee and shall be held without unnecessary delay. The decision of the officer or body shall be made within ~~10~~ 2 days after the conclusion of the proceeding. If the employee involved is found to have violated this act and his or her employment is terminated or other discipline is imposed, the employee has the right of review to the circuit court having jurisdiction of the parties, within 30 days from the date of the decision, for a determination as to whether the decision is supported by competent, material, and substantial evidence on the whole record. **A PUBLIC EMPLOYER MAY CONSOLIDATE EMPLOYEE HEARINGS UNDER THIS SUBSECTION UNLESS THE EMPLOYEE DEMONSTRATES MANIFEST INJUSTICE FROM THE**

CONSOLIDATION. This subsection does not apply to a penalty imposed under section 2a.]

1 Sec. 11. Representatives designated or selected for purposes
2 of collective bargaining by the majority of the public employees in
3 a unit appropriate for such purposes, **AS PROVIDED IN SECTION 13,**
4 shall be the exclusive representatives of all the public employees
5 in ~~such~~**THAT** unit for the purposes of collective bargaining in
6 respect to rates of pay, wages, hours of employment, or other

1 conditions of employment ~~and~~ shall be so recognized by the public
 2 employer. ~~Provided, That~~ **HOWEVER**, any individual employee at any
 3 time may present grievances to his **OR HER** employer and have the
 4 grievances adjusted, without intervention of the bargaining
 5 representative, if the adjustment is not inconsistent with the
 6 terms of a collective bargaining contract or agreement then in
 7 effect ~~provided that~~ **AND** the bargaining representative has been
 8 given opportunity to be present at ~~such~~ **THE** adjustment.

9 Sec. 13. The commission shall decide in each case, to ~~insure~~
 10 **ENSURE** public employees the full benefit of their right to self-
 11 organization, to collective bargaining, and otherwise to effectuate
 12 the policies of this act, the unit appropriate for the purposes of
 13 collective bargaining as provided in section 9e of ~~Act No. 176 of~~
 14 ~~the Public Acts of 1939, as amended, being section 423.9e of the~~
 15 ~~Michigan Compiled Laws: Provided, That in 1939 PA 176, MCL 423.9E.~~
 16 **IN** any fire department, or any department in whole or **IN** part
 17 engaged in, or having the responsibility of, fire fighting, ~~no~~ **A**
 18 person subordinate to a fire commission, fire commissioner, safety
 19 director, or other similar administrative agency or administrator ~~and~~
 20 shall ~~be deemed~~ **NOT BE CONSIDERED** to be a supervisor.

21 Sec. 15. (1) A public employer shall bargain collectively with
 22 the representatives of its employees as described in section 11 and
 23 may make and enter into collective bargaining agreements with those
 24 representatives. Except as otherwise provided in this section, for
 25 the purposes of this section, to bargain collectively is to perform
 26 the mutual obligation of the employer and the representative of the
 27 employees to meet at reasonable times and confer in good faith with

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1 respect to wages, hours, and other terms and conditions of
2 employment, or to negotiate an agreement, or any question arising
3 under the agreement, and to execute a written contract, ordinance,
4 or resolution incorporating any agreement reached if requested by
5 either party, but this obligation does not compel either party to
6 agree to a proposal or make a concession.

7 (2) A public school employer has the responsibility,
8 authority, and right to manage and direct on behalf of the public
9 the operations and activities of the public schools under its
10 control.

11 (3) Collective bargaining between a public school employer and
12 a bargaining representative of its employees shall not include any
13 of the following subjects:

14 (a) Who is or will be the policyholder of an employee group
15 insurance benefit. This subdivision does not affect the duty to
16 bargain with respect to types and levels of benefits and coverages
17 for employee group insurance. A change or proposed change in a type
18 or to a level of benefit, policy specification, or coverage for
19 employee group insurance shall be bargained by the public school
20 employer and the bargaining representative before the change may
21 take effect.

22 (b) Establishment of the starting day for the school year and
23 of the amount of pupil contact time required to receive full state
24 school aid under section 1284 of the revised school code, 1976 PA
25 451, MCL 380.1284, and under section 101 of the state school aid
26 act of 1979, 1979 PA 94, MCL 388.1701. [
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(c) The composition of school improvement committees established under section 1277 of the revised school code, 1976 PA 451, MCL 380.1277.

(d) The decision of whether or not to provide or allow interdistrict or intradistrict open enrollment opportunity in a school district or the selection of grade levels or schools in which to allow an open enrollment opportunity.

(e) The decision of whether or not to act as an authorizing body to grant a contract to organize and operate 1 or more public school academies under the revised school code, 1976 PA 451, MCL 380.1 to 380.1852.

(f) The decision of whether or not to contract with a third party for 1 or more noninstructional support services; or the procedures for obtaining the contract for noninstructional support services other than bidding described in this subdivision; or the identity of the third party; or the impact of the contract for noninstructional support services on individual employees or the bargaining unit. However, ~~this subdivision~~ **THE PRECEDING SENTENCE** applies only if the bargaining unit that is providing the noninstructional support services is given an opportunity to bid on the contract for the noninstructional support services on an equal

1 basis as other bidders.

2 (g) The use of volunteers in providing services at its
3 schools.

4 (h) Decisions concerning use and staffing of experimental or
5 pilot programs and decisions concerning use of technology to
6 deliver educational programs and services and staffing to provide
7 that technology, or the impact of those decisions on individual
8 employees or the bargaining unit.

9 (i) Any compensation or additional work assignment intended to
10 reimburse an employee for or allow an employee to recover any
11 monetary penalty imposed under this act.

12 (j) Any decision made by the public school employer regarding
13 teacher placement, or the impact of that decision on an individual
14 employee or the bargaining unit.

15 (k) Decisions about the development, content, standards,
16 procedures, adoption, and implementation of the public school
17 employer's policies regarding personnel decisions when conducting a
18 staffing or program reduction or any other personnel determination
19 resulting in the elimination of a position, when conducting a
20 recall from a staffing or program reduction or any other personnel
21 determination resulting in the elimination of a position, or in
22 hiring after a staffing or program reduction or any other personnel
23 determination resulting in the elimination of a position, as
24 provided under section 1248 of the revised school code, 1976 PA
25 451, MCL 380.1248, any decision made by the public school employer
26 pursuant to those policies, or the impact of those decisions on an
27 individual employee or the bargaining unit.

1 (l) Decisions about the development, content, standards,
2 procedures, adoption, and implementation of a public school
3 employer's performance evaluation system adopted under section 1249
4 of the revised school code, 1976 PA 451, MCL 380.1249, or under
5 1937 (Ex Sess) PA 4, MCL 38.71 to 38.191, decisions concerning the
6 content of a performance evaluation of an employee under those
7 provisions of law, or the impact of those decisions on an
8 individual employee or the bargaining unit.

9 (m) For public employees whose employment is regulated by 1937
10 (Ex Sess) PA 4, MCL 38.71 to 38.191, decisions about the
11 development, content, standards, procedures, adoption, and
12 implementation of a policy regarding discharge or discipline of an
13 employee, decisions concerning the discharge or discipline of an
14 individual employee, or the impact of those decisions on an
15 individual employee or the bargaining unit. For public employees
16 whose employment is regulated by 1937 (Ex Sess) PA 4, MCL 38.71 to
17 38.191, a public school employer shall not adopt, implement, or
18 maintain a policy for discharge or discipline of an employee that
19 includes a standard for discharge or discipline that is different
20 than the arbitrary and capricious standard provided under section 1
21 of article IV of 1937 (Ex Sess) PA 4, MCL 38.101.

22 (n) Decisions about the format, timing, or number of classroom
23 observations conducted for the purposes of section 3a of article II
24 of 1937 (Ex Sess) PA 4, MCL 38.83a, decisions concerning the
25 classroom observation of an individual employee, or the impact of
26 those decisions on an individual employee or the bargaining unit.

27 (o) Decisions about the development, content, standards,

1 procedures, adoption, and implementation of the method of
2 compensation required under section 1250 of the revised school
3 code, 1976 PA 451, MCL 380.1250, decisions about how an employee
4 performance evaluation is used to determine performance-based
5 compensation under section 1250 of the revised school code, 1976 PA
6 451, MCL 380.1250, decisions concerning the performance-based
7 compensation of an individual employee, or the impact of those
8 decisions on an individual employee or the bargaining unit.

9 (p) Decisions about the development, format, content, and
10 procedures of the notification to parents and legal guardians
11 required under section 1249a of the revised school code, 1976 PA
12 451, MCL 380.1249a.

13 (q) Any requirement that would violate section 10(3).

14 (4) Except as otherwise provided in subsection (3)(f), the
15 matters described in subsection (3) are prohibited subjects of
16 bargaining between a public school employer and a bargaining
17 representative of its employees, and, for the purposes of this act,
18 are within the sole authority of the public school employer to
19 decide.

20 (5) If a public school is placed in the state school
21 reform/redesign school district or is placed under a chief
22 executive officer under section 1280c of the revised school code,
23 1976 PA 451, MCL 380.1280c, then, for the purposes of collective
24 bargaining under this act, the state school reform/redesign officer
25 or the chief executive officer, as applicable, is the public school
26 employer of the public school employees of that public school for
27 as long as the public school is part of the state school

1 reform/redesign school district or operated by the chief executive
2 officer.

3 (6) A public school employer's collective bargaining duty
4 under this act and a collective bargaining agreement entered into
5 by a public school employer under this act are subject to all of
6 the following:

7 (a) Any effect on collective bargaining and any modification
8 of a collective bargaining agreement occurring under section 1280c
9 of the revised school code, 1976 PA 451, MCL 380.1280c.

10 (b) For a public school in which the superintendent of public
11 instruction implements 1 of the 4 school intervention models
12 described in section 1280c of the revised school code, 1976 PA 451,
13 MCL 380.1280c, if the school intervention model that is implemented
14 affects collective bargaining or requires modification of a
15 collective bargaining agreement, any effect on collective
16 bargaining and any modification of a collective bargaining
17 agreement under that school intervention model.

18 (7) Each collective bargaining agreement entered into between
19 a public employer and public employees under this act on or after
20 March 28, 2013 shall include a provision that allows an emergency
21 manager appointed under the local financial stability and choice
22 act, 2012 PA 436, MCL 141.1541 to 141.1575, to reject, modify, or
23 terminate the collective bargaining agreement as provided in the
24 local financial stability and choice act, 2012 PA 436, MCL 141.1541
25 to 141.1575. Provisions required by this subsection are prohibited
26 subjects of bargaining under this act.

27 (8) Collective bargaining agreements under this act may be

1 rejected, modified, or terminated pursuant to the local financial
2 stability and choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

3 This act does not confer a right to bargain that would infringe on
4 the exercise of powers under the local financial stability and
5 choice act, 2012 PA 436, MCL 141.1541 to 141.1575.

6 (9) A unit of local government that enters into a consent
7 agreement under the local financial stability and choice act, 2012
8 PA 436, MCL 141.1541 to 141.1575, is not subject to subsection (1)
9 for the term of the consent agreement, as provided in the local
10 financial stability and choice act, 2012 PA 436, MCL 141.1541 to
11 141.1575.

12 (10) If the charter of a city, village, or township with a
13 population of 500,000 or more requires and specifies the method of
14 selection of a retirant member of the municipality's fire
15 department, police department, or fire and police department
16 pension or retirement board, the inclusion of the retirant member
17 on the board and the method of selection of that retirant member
18 are prohibited subjects of collective bargaining, and any provision
19 in a collective bargaining agreement that purports to modify that
20 charter requirement is void and of no effect.

21 (11) The following are prohibited subjects of bargaining and
22 are at the sole discretion of the public employer:

23 (a) A decision as to whether or not the public employer will
24 enter into an intergovernmental agreement to consolidate 1 or more
25 functions or services, to jointly perform 1 or more functions or
26 services, or to otherwise collaborate regarding 1 or more functions
27 or services.

1 (b) The procedures for obtaining a contract for the transfer
2 of functions or responsibilities under an agreement described in
3 subdivision (a).

4 (c) The identities of any other parties to an agreement
5 described in subdivision (a).

6 (12) Subsection (11) does not relieve a public employer of any
7 duty established by law to collectively bargain with its employees
8 as to the effect of a contract described in subsection (11)(a) on
9 its employees.

10 (13) An agreement with a collective bargaining unit shall not
11 require a public employer to pay the costs of an independent
12 examiner verification described in section 10(9).

13 **(14) EACH COLLECTIVE BARGAINING AGREEMENT THAT IS ENTERED INTO**
14 **BETWEEN A PUBLIC SCHOOL EMPLOYER AND PUBLIC EMPLOYEES OR A**
15 **BARGAINING UNIT UNDER THIS ACT ON OR AFTER THE EFFECTIVE DATE OF**
16 **THE AMENDATORY ACT THAT ADDED THIS SUBSECTION SHALL INCLUDE A**
17 **PROVISION, WHICH PROVISION IS A PROHIBITED SUBJECT OF BARGAINING**
18 **UNDER THIS ACT, STATING THAT IF THE PUBLIC SCHOOL EMPLOYER BECOMES**
19 **A COMMUNITY DISTRICT UNDER THE REVISED SCHOOL CODE, 1976 PA 451,**
20 **MCL 380.1 TO 380.1852, AND THE FUNCTIONS AND RESPONSIBILITIES OF**
21 **THE PUBLIC SCHOOL EMPLOYER ARE TRANSFERRED TO THE COMMUNITY**
22 **DISTRICT, THEN ALL OF THE FOLLOWING APPLY:**

23 **(A) THE COMMUNITY DISTRICT IS NOT THE SUCCESSOR EMPLOYER TO**
24 **ANY EXISTING COLLECTIVE BARGAINING AGREEMENT OF THE PUBLIC SCHOOL**
25 **EMPLOYER AND IS NOT SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT**
26 **THAT APPLIED TO THE PUBLIC SCHOOL EMPLOYER FROM WHICH FUNCTIONS AND**
27 **RESPONSIBILITIES WERE TRANSFERRED.**

1 (B) THE COMMUNITY DISTRICT IS NOT A SUCCESSOR EMPLOYER FOR ANY
2 PURPOSE.

3 (C) EXCEPT AS PROVIDED IN SECTION 12B(4)(G) OF THE REVISED
4 SCHOOL CODE, 1976 PA 451, MCL 380.12B, THE COMMUNITY DISTRICT IS
5 NOT CONSIDERED THE EMPLOYER OF ANY EMPLOYEE WHO WORKED AT A PUBLIC
6 SCHOOL FROM WHICH FUNCTIONS AND RESPONSIBILITIES WERE TRANSFERRED
7 TO THE COMMUNITY DISTRICT.

8 (D) ANY RIGHTS AND OBLIGATIONS UNDER EXISTING COLLECTIVE
9 BARGAINING AGREEMENTS OR INDIVIDUAL CONTRACTS ENTERED INTO BY THE
10 PUBLIC SCHOOL EMPLOYER REMAIN THE SOLE RESPONSIBILITY OF THAT
11 PUBLIC SCHOOL EMPLOYER AND ARE NOT THE RESPONSIBILITY OF THE
12 COMMUNITY DISTRICT.

13 Enacting section 1. This amendatory act takes effect 90 days
14 after the date it is enacted into law.

15 Enacting section 2. This amendatory act does not take effect
16 unless House Bill No. 5384 of the 98th Legislature is enacted into
17 law.